

NOT TO BE PUBLISHED

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Shasta)

THE PEOPLE,

Plaintiff and Respondent,

v.

ROBERT EUGENE GREEN, JR.,

Defendant and Appellant.

C046186

(Sup. Ct. No. 04F9)

Shasta County Sheriff's deputies arrested defendant Robert Eugene Green, Jr., on January 1, 2004, for violating a restraining order and vandalizing his ex-girlfriend's residence. He pleaded guilty to felony vandalism (Pen. Code, § 594, subd. (b)(1)) in count 1, and admitted a prior felony which constituted a "strike" (§ 1170.12).¹ The trial court dismissed

¹ Undesignated statutory references are to the Penal Code.

count 2 (§ 273.6, subd. (a)) and a prior prison term enhancement (§ 667.5, subd. (b)). It also dismissed separate charges of vandalism with a *Harvey* waiver for purposes of restitution.²

Defendant waived time, arraignment, and referral to the probation department for a presentence report. The trial court sentenced him to the middle term of two years, doubled under the "strike" for a total of four years in accordance with the plea agreement. It imposed a \$20.00 court security fee (§ 1465.8, subd. (a)(1)), an \$800.00 restitution fine (§ 1202.4, subd. (b)), and imposed and stayed an \$800.00 parole revocation fine (§ 1202.45). The trial court also ordered defendant to pay \$1,500 in victim restitution. (§ 1202.4, subd. (f).) Defendant received a total of 20 days of presentence credit.

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts of the case and requests this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days elapsed, and we received no communication from defendant. Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

² *People v. Harvey* (1979) 25 Cal.3d 754.

DISPOSITION

The judgment is affirmed.

MORRISON, J.

We concur:

BLEASE, Acting P.J.

ROBIE, J.